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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,482	06/28/2004	Sylvain Denniel	P/3255-78	4505
2352	7590	05/12/2006	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			COY, NICOLE A	
			ART UNIT	PAPER NUMBER
			3672	

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/500,482	<b>Applicant(s)</b> DENNIEL ET AL.	
	<b>Examiner</b> Nicole Coy	<b>Art Unit</b> 3672	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/28/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claim 3 is objected to because of the following informalities: Claim 3 appears to be a dependent claim, but it does not depend from another claim. Appropriate correction is required. For the purposes of examination, the Examiner is assuming that claim 3 depends from claim 1.

3. Claims 5 and 6 are objected to because of the following informalities: The phrase "any one" should be deleted from claims 5 and 6 for clarification.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Head (USP 6,323,420).

With respect to claim 1, Head discloses a rigid pipe (20) for transporting hydrocarbons the pipe being a reelable type (wherein 20 is coiled tubing) and further comprising at least one electrical heating cable (31) extending through the pipe (see figure 5), wherein the cable (31) is capable of undergoing an elongation of at least 0.5% without damage (see column 5 lines 31-40, wherein the cables are made from a similar material as applicant's and thus would inherently be capable of undergoing an elongation of at least 0.5% without damage).

With respect to claim 2, Head discloses a similar cable to that of applicant, thus the cable is inherently subject to elastic deformation while remaining below 15% of an elastic limit of the material.

With respect to claim 3, Head discloses that the cable (31) is disposed parallel to a longitudinal axis of the pipe (see figure 5).

With respect to claim 4, Head discloses that the pipe (20) is comprised of two coaxial pipes, including an inner (40) and an outer pipe (20), respectively, the pipes being separated by an annular space (see figure 5), and the cable (31) is disposed along one surface of the inner pipe.

With respect to claim 6, Head discloses that the cable is a central conducting braided cable (see figure 12).

With respect to claim 7, Head discloses that the braided cable is surrounded by at least one electrical insulation sheath (70, 71, 72).

With respect to claim 8, Head discloses that the pipe (40) is a pipe-in-pipe having coaxial pipes (20, 40) with an annular space between the pipes (see figure 5); and further comprising sealing members (30, 130) in the annular space between the coaxial pipes, the sealing members being configured for receiving the heating cable in sections of the cable (see figure 5).

With respect to claim 9, Head discloses an electrical supply circuit (130, see figure 28) to the cable, at different locations on the electrical supply circuit connection boxes for automatically locally re-establishing the connection between phases of the circuit in the even of failure of the circuit (see figure 28).

With respect to claim 10, Head discloses that the cable extends parallel to the pipe, not being longer than the pipe through which the cable passes (see figure 12).

With respect to claim 11, Head discloses that the pipe (20) has a wall (see figure 5) and the cable (31) is inside a space enclosed by the wall (see figure 5).

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With respect to claim 12, Head discloses that the pipe (20) comprises a double-walled envelope, of two coaxial pipes (20, 40), respectively an inner pipe (40) and an outer pipe (20), separated by an annular space (see figure 5).

With respect to claim 13, Head discloses that the cable (31) passes between the coaxial pipes (see figure 5).

With respect to claim 14, Head discloses a similar cable to the cable claimed, thus the cable is inherently subject to elastically deformation while remaining below 5% an elastic limit of the material.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Head (USP 6,323,420).

With respect to claim 5, Head does not disclose that the cable is flat. However, flat cables are well known type of cable. Thus, it would have been obvious to one having ordinary skill in the art, to use a flat cable in Head.

### ***Conclusion***

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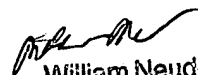
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicole Coy whose telephone number is 571-272-5405.

The examiner can normally be reached on M-F 8:00-5:30, 1st F off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

nac

  
William Neuder  
Primary Examiner